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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/729,054	12/05/2003		Mark S. Grendahl	G353.12-0008		
164	7590	04/06/2005		EXAM	EXAMINER	
KINNEY & LANGE, P.A.				RAMIREZ,	RAMIREZ, RAMON O	
THE KINN	EY & LAN	NGE BUILDING				
312 SOUTH THIRD STREET				ART UNIT	PAPER NUMBER	
MINNEAPOLIS MN 55415-1002				2622		

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/729,054	GRENDAHL, MARK S.					
Office Action Summary	Examiner	Art Unit					
	RAMON O. RAMIREZ	3632					
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from because the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on <u>amendment filed Feb 3, 2005</u> .							
2a) ☐ This action is <b>FINAL</b> . 2b) ☒ This	s action is non-final.						
3) Since this application is in condition for allowated closed in accordance with the practice under the condition of the condition.	·						
Disposition of Claims							
4)⊠ Claim(s) <u>1-10 and 15-26</u> is/are pending in the	application						
4a) Of the above claim(s) is/are withdra	• •						
5) Claim(s) is/are allowed.	Will World Gorlold Gration.						
6) Claim(s) <u>1-10 and 15-26</u> is/are rejected.	•						
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/o	or election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) ☐ The oath or declaration is objected to by the E	xaminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. § 119(a)	)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the prior	rity documents have been receive	ed in this National Stage					
application from the International Burea	u (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list	of the certified copies not receive	d.					
Attachment(s)							
Attachment(s)  Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ite					
<ol> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li> </ol>	5) Notice of Informal P 6) Other:	atent Application (PTO-152)					

### **Detailed Action**

This is the third Office Action corresponding to amendment filed Feb 3, 2005.

The application contains 22 claims. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

After further review, the finality of the last Office Action is <u>withdrawn</u>. A new non-final rejection follows. The examiner was wrong on reading certain limitation on the claims (the spacer zone), which was constructed as a physical element behind the shelf for separating the rack from the building, when it is really a distance between the openings and the brace element. The examiner apologizes for this.

## Claim Rejections - 35 USC § 112

Claims 17, and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 does not add any limitation to claim 15, since the recited step is already included in claim 15. This claim should be cancelled. Claim 21 is indefinite since it appears something is missing from the claim; please refer to the first two lines of the claim.

### Claim Rejections - 35 USC § 103

Claims 1-4, 7, 8, 9, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (Pat No 2,815,863). Larson shows all the elements recited here, namely a shelf (2), alignment holes (24), brace (10) having receiving apertures and a spacer zone (distance between the alignment holes and the brace when measured on the shelf surface. The specific distance, or space zone between the holes and the brace is considered to be an obvious matter of engineering choice; that is the holes can be located as closed as desired from the brace.

Claims 5, 6, 15-18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Daoud (Pat No 6,278,061) or Hickey (Pat No 5,971,329).

Both Daoud and Hickey show holes having tab means for securing a conduit within the hole. Daoud shows a plurality of tabs, while Hickey shows a single tab.

It would have been obvious to one skilled in the art at the time the invention was made to have provide the device shown by Larson with tabs as shown by Daoud, or a single (as recited in claim 26) tab as shown by Hickey to further secure the conduits. As to the method claims, the device set forth above can be used on a building following the recited steps. As to the step reciting the conduit being secured to the tabs, this is generally meet by the references because once the conduits are inserted into the openings, they become secured to the tabs.

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Claims 10, 19 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Haegele et al. (Pat No 6,578,282).

The patent to Haegele et al, shows a series of small apertures around a holes. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Larson with a series of smaller openings around the holes as shown by Haegele et al. to provide additional receiving means. However, this series of openings may have further uses, for example for marking.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (703) 308-0748 (after April 7 2005, the phone number would be (571) 272-6821). The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESLIE BRAUN can be reached on (703) 308-2156 (after April 7, 2005, the phone number would be (571) 272-6815).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A shortened period for response to this Office Action expires THREE MONTHS from the mailing date of this action.

ROR March 23, 2005 RAMON O. RAMIREZ Primary Examiner Art Unit 3632